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Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions

of the United States Court of Customs and
Patent Appeals and the United States
Customs Court

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T.D. 76-288 through 76-290

Protest abstracts P76/212 through P76/216

Reap. abstracts R76/109 through R76/112

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NOTICE

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U.S. Customs Service

(T.D. 76-288)

Bonds

Approval and discontinuance of consolidated aircraft bonds (air carrier blanket bonds) Customs Form 7605

DEPARTMENT OF THE TREASURY,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C.; October 6, 1976.

The following consolidated aircraft bond has been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Name of principal and surety	Date Term Commences	Date of Approval	Filed with area director of Customs; amount
Societe Anonyme Belge D'Exploitation de la Navigation Arrienne, a/k/a Sabena Belgian World Airlines, Lake Success Business Park, 125 Community Dr., Great Neck, NY; Aetna Ins. Co. ¹	Sept. 10, 1976	Sept. 10, 1976	J. F. K. Airport; \$100,000

¹ Surety is Sentry Ins., A Mutual Co.

The foregoing principal has not been designated as a carrier of bonded merchandise.

(BON-3-01)

DONALD W. LEWIS,
for LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

(T.D. 76-289)

Freedom of Information—Claims for Liquidated Damages

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 7, 1976.

The United States Customs Service has been asked, pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552), to make available to the public copies of documents relating to the enforcement of claims for liquidated damages assessed in accordance with section 142.15, Customs Regulations (19 CFR 142.15), which concerns failure to make timely entry, and the collection or cancellation of such claims for liquidated damages under section 172.22(d), Customs Regulations (19 CFR 172.22). These documents are exempt from disclosure to the public under 5 U.S.C. 552(b)(5) and 31 CFR 1.2(c)(1)(v) as intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. However, the Service has determined to waive the exemption from disclosure and to make these documents available to the public on request provided certain percentages relating to the mitigation of claims for liquidated damages are deleted. The documents are listed below.

Circular: ENT-3-PEN, dated September 27, 1972; Subject: Entry of Merchandise; Failure to file timely entries for merchandise released under a Special Permit for Immediate Delivery.

Circular: ENT-3-PEN, dated July 23, 1970; Subject: Entry; Failure to file timely entries for merchandise released under Special Permit

Circular: ENT-3-AC, dated April 3, 1968; Subject: Entry, Failure to file timely entry for merchandise released under Special Permit (immediate delivery) procedures, including the provisional release procedure instituted at the time of reorganization

These documents are available for inspection and copying at the offices of the Customs Service listed below:

United States Customs Service (Headquarters)
1301 Constitution Avenue, N.W.
Washington, D.C. 20229

Region I—Boston**John F. Kennedy Federal Building****100 Summer Street****Boston, Massachusetts 02110****Region II—New York****6 World Trade Center****New York, New York 10048****Region III—Baltimore****40 S. Gay Street****Baltimore, Maryland 20202****Region IV—Miami****7370 N.W. 36th Street****Miami, Florida 33166****Region V—New Orleans****1440 Canal Street****New Orleans, Louisiana 70112****Region VI—Houston****500 Dallas Street****Houston, Texas 77002****Region VII—Los Angeles****300 N. Los Angeles Street****Los Angeles, California 90012****Region VIII—San Francisco****450 Golden Gate Avenue****San Francisco, California 94102****Region IX—Chicago****55 East Monroe Street****Chicago, Illinois 60603**

The documents are available to the public during regular business hours. A fee for copies of requested material will be charged in accordance with 31 CFR 1.6(g). (592634)

(ADM 3-03:R:E:F)

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

(T.D. 76-290)

Freedom of Information—Fines, Penalties, and Forfeitures

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 7, 1976.

The United States Customs Service has been asked, pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552), to make available to the public copies of documents relating to the processing of petitions for relief from fines, penalties, and forfeitures incurred. These documents are exempt from disclosure to the public under 5 U.S.C. 552(b)(5) and 31 CFR 1.2(c)(1)(v) as intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency and are, for that reason, classified "Official Use Only." However, the Service has determined to waive the exemption from disclosure and to make these documents available to the public on request provided certain multipliers, percentages, and dollar amounts used in determining applicable penalties are deleted. The documents and their subjects are listed below.

Circular: MAN-9-A:M:MS, dated November 5, 1973; Subject: Management; Fines, Penalties and Forfeitures Program—Program Changes; with the following amendments attached:

- MAN-9-R:E:P, dated January 24, 1974; Subject: Fines, Penalties and Forfeitures Program—Program Changes
- MAN-9-R:E:P, dated May 27, 1974; Subject: Fines, Penalties and Forfeitures Program—Guideline Revision
- MAN-9-R:E:P, dated June 18, 1974; Subject: Fines, Penalties and Forfeitures Program
- ENF-4-R:E:P, dated November 1, 1974; Subject: Fines, Penalties and Forfeitures Program—Program Changes

Circular: ENF-4-R:E:P, dated January 9, 1976; Subject: Fines, Penalties and Forfeitures Program—Voluntary Disclosure Policy—Program Changes.

United States Customs Service (Headquarters)
Washington, D.C. 20229

Circular: ENF-4-R:E:P, dated December 15, 1975; Subject: Fines, Penalties and Forfeitures Program-Violations of title 19 United States Code, section 1592-Program Changes

Circular: ENF-4-R:E:P, dated October 7, 1975; Subject: Fines, Penalties and Forfeitures-Voluntary Disclosure of Violations Subject to 19 U.S.C. 1592-Program Changes

Circular: ENF-4-R:E:P, dated August 5, 1974; Subject: Guidelines for disposition of violations of 19 U.S.C. 1497

Circular: ENF-4-R:E:P, dated April 30, 1973; Subject: Enforcement; Remission policy in connection with motor vehicle forfeitures

Circular: ENF-4-PEN, dated November 15, 1972; Subject: Enforcement; Remission policy in connection with motor vehicles carrying small, noncommercial quantities of marijuana, hashish and dangerous drugs, including lysergic acid diethylamide (LSD)

Circular: ENF-4-PEN, dated December 20, 1971; Subject: Enforcement; Remission of vehicle forfeitures

Circular: EXP-3-PEN, dated December 28, 1966; Subject: Export Control; Settlement of forfeitures for violations of the export control regulations of the Department of Commerce

Circular: ENF-4-PEN, dated October 29, 1964; Subject: Enforcement; Increased authority of collectors of customs to act on petitions for relief from fines, penalties, forfeitures and liquidated damages assessed under bonds

The above documents are available for inspection and copying at the offices of the Customs Service listed below:

United States Customs Service (Headquarters)
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Washington, D.C. 20229

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John F. Kennedy Federal
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Boston, Massachusetts 02110

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New York, New York 10048

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Baltimore, Maryland 21202

Region IV—Miami
7370 N.W. 36th Street
Miami, Florida 33166

Region V—New Orleans

1440 Canal Street
New Orleans, Louisiana 70112

Region VI—Houston

500 Dallas Street
Houston, Texas 77002

Region VII—Los Angeles

300 N. Los Angeles Street
Los Angeles, California 90012

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450 Golden Gate Avenue
San Francisco, California
94102

Region IX—Chicago

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Chicago, Illinois 60603

The documents are available to the public during regular business hours. A fee for copies of requested material will be charged in accordance with 31 CFR 1.6(g). (592265).

(ADM 3-03:R:EF)

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

The above documents are available for inspection and copying at the offices of the Customs Service listed below:

Region I—New York	United States Customs Service (Headquarters)
Region II—New York	1301 Constitution Avenue, New York, New York 10048
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Region IV—Miami	John F. Kennedy Federal Building
Region V—Miami	100 Summer Street
Region VI—Miami	Boston, Massachusetts 02110

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza
New York, N.Y. 10007

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Nils A. Boe

Judges

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Morgan Ford
Scovel Richardson
Frederick Landis

James L. Watson
Herbert N. Maletz
Bernard Newman
Edward D. Re

Senior Judges

Mary D. Alger
Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Abstracts *Abstracted Protest Decisions*

DEPARTMENT OF THE TREASURY, October 4, 1976.

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

VERNON D. ACREE,
Commissioner of Customs.

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate		
P76/212	Newman, J. September 27, 1976	Sandvik Steel, Inc.	70/12411, etc.	Item 637.20 17%, 15% or 15% (Items marked "A" and "B")	Item 600.84 7% or 6.5% (Items marked "A") Item 600.88 8% or 7.5% (Items marked "B")			Sandvik Steel, Inc. v. U.S. (C.D. 4600) (Items marked "A" and "B")	New York Shoe die knife steel, etc. (Items marked "A" and "B")
P76/213	Newman, J. September 27, 1976	Sandvik Steel, Inc.	71-10-01430, etc.	Item 637.20 13%, 11% or 9.5% (Items marked "A" and "B")	Item 600.84 6.5% (Items marked "A") Item 600.88 7.5% (Items marked "B")			Sandvik Steel, Inc. v. U.S. (C.D. 4600) (Items marked "A" and "B")	New York Shoe die knife steel, etc. (Items marked "A" and "B")
P76/214	Watson, J. September 29, 1976	Deldan Design, Inc., et al.	66/51773, etc.	Item 743.20 28%, 26.5%, 25% or 23.5%	Item 774.60 17%, 15%, 13.5% or 11.5%			Joseph Markovits, Inc. v. U.S. (C.D. 4396)	New York Artificial fruits and "vege- tables of plastic
P76/215	Ford, J. September 30, 1976	WMF of America, Inc., et al.	74-7-02016, etc.	Item 633.47 9.5%	Item 633.35 5%			Morris Friedman & Co. v. U.S. (C.D. 4570, aff'd C.A.D. 1157)	New York Brass candlesticks
P76/216	Watson, J. September 30, 1976	Sanyo Electric, Inc.	76-2-00340	Item 665.50 7.5%	Item 675.50 5%			Montgomery Ward & Co. v. U.S. (C.D. 4573)	Los Angeles Combination article con- taining a tape player

Decisions of the United States Customs Court

Abstracts Abstracted Reappraisal Decisions

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R76/109	Ford, J. September 27, 1976	Boss Electronics Corp., Division of Interphoto Corp.	74-5-01333	Constructed value	As set forth under col- umn heading "Con- structed Value for Each Article, Net Packed" on schedule attached to decision and judgment	Judgment on the plead- ings	Chicago Radio receiver sets, transistor radios, etc.
R76/110	Watson, J. September 29, 1976	Paris Associates, Inc.	73-11-03107	Export value	Involved unit prices, net, packed	Agreed statement of facts	Los Angeles Wigs
R76/111	Re, J. September 29, 1976	W. R. Grace & Co., Pac. Coast Div., et al.	E39/10383, etc.	Export value	Net appraised value less 7 1/4%, net packed	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	San Diego Japanese plywood
R76/112	Newman, J. September 29, 1976	Willo-Peer, Division of Berkey Photo, Inc.	74-7-01831	Export value	Entered values	Judgment on the plead- ings	New York Zoom cameras, model 418 super movie cameras

CUSTOMS COURT

Decision on Motion for Rehearing

SEPTEMBER 29, 1976

Inter-Maritime Forwarding Co., Inc. v. United States, Court Nos. 66/60107, etc.—ELECTRICAL ARTICLES.—C.D. 4667. Motion by plaintiff denied.

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U.S. Customs Service

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Customs Court

Rehearing motion denied (p. 10): electrical articles, C.D. 4667

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